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IN THE

Supreme Court of The United States

OCTOBER TERM, 1971

No. 71-567.

RICARDO ARREDONDO,
Petitioner,

VS.

UNITED STATES OF AMERICA,
Respondent

PETITIONER'S REPLY TO RESPONDENT'S MEMORANDUM IN OPPOSITION

FRED A. SEMAAN
1200 Tower Life Building
San Antonio, Texas 78205

OSCAR C. GONZALEZ
1200 Tower Life Building
San Antonio, Texas 78205

Counsel For Petitioner

CLEMENS PRINTING COMPANY - SAN ANTONIO, TEXAS

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The Petitioner takes issue with the Respondent's statement which is reflected on Page 3 of its Memorandum in Opposition in which it is stated:

> "It found that the plea was in no way related to the 'white powder' and surmised that petitioner's change of mind had come about after the co-defendant had been sentenced (App. 43). (The co-defendant had been sentenced to seven years' imprisonment and the remaining counts against him (all involving marihuana) had been dismissed)."

Petitioner submits that the Court stated that this Petitioner desired to change his plea of guilty after the co-defendant, Ramiro Yrlas, had been sentenced. (App. 43). However, this Petitioner submits that he had advised his attorney **prior** to the co-defendant's sentencing that he desired to withdraw his plea of guilty; that neither this Petitioner nor the co-defendant had been sentenced when Petitioner had made known to his

attorney his desire to withdraw his plea of guilty and had already made arrangements to employ other counsel to represent him on his Motion to Withdraw his plea of guilty. (App. 17, 18, 19, 20).

This Petitioner submits that, although the trial court made the above mentioned statement, said statement is not substantiated by the record, but, on the contrary, the record reflects that this Petitioner had already made known to his attorney his desire to withdraw his plea of guilty prior to the sentencing of the co-defendant, Ramiro Yrlas. (App. 17, 18, 19, 20).

It is therefore respectfully submitted that the Petition for a Writ of Certiorari should be granted.

FRED A. SEMAAN
1200 Tower Life Building
San Antonio, Texas 78205

OSCAR C. GONZALEZ
1200 Tower Life Building
San Antonio, Texas 78205

Counsel For Petitioner

Dated: November, 1971

CERTIFICATE OF SERVICE

This is to certify that I, OSCAR C. GONZALEZ, a member of the Bar of the Supreme Court of the United States, pursuant to Supreme Court Rule 33.3(b), have duly mailed, postage prepaid, three (3) true copies of the foregoing Petitioner's Reply to Respondent's Memorandum in Opposition to The Solicitor General of the United States, Department of Justice, Washington, D. C. 20530, and also mailed a copy of same to Mr. Anthony J. P. Farris, United States Attorney, Southern District of Texas, P. O. Box 61129, Houston, Texas 77061.

OSCAR C. GONZALEZ
1200 Tower Life Building
San Antonio, Texas 78205

Counsel For Petitioner

Dated: November 29, 1971